

STATE of MINNESOTA



TIM PAWLENTY
GOVERNOR

EXECUTIVE ORDER 03-05
AFFIRMING THE GOVERNMENT-TO-GOVERNMENT
RELATIONSHIP BETWEEN THE STATE OF MINNESOTA
AND INDIAN TRIBAL GOVERNMENTS LOCATED
WITHIN THE STATE OF MINNESOTA

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the constitution and the applicable statutes, do hereby issue this executive order.

WHEREAS, the United States and the State of Minnesota have a unique legal relationship with Indian tribes, as affirmed by the Constitution of the United States, treaties and statutes; and

WHEREAS, within Minnesota there are 11 federally recognized tribes with elected or appointed tribal governments; and

WHEREAS, the State of Minnesota, a sovereign state within the United States, recognizes the unique status of Indian tribes and their right to existence, self-government and self-determination; and

WHEREAS, state regulations and other policy statements or actions often have an impact on Indian tribes; and

WHEREAS, state and tribal governments play key roles in serving all of the citizens of the State of Minnesota and collaboration between tribes and state agencies will ensure that services are efficiently provided to all citizens, minimize service overlap, preserve natural resources and encourage sustainable economic development; and

WHEREAS, in order to advance both state and tribal concerns, it is necessary to maintain and foster a government-to-government relationship that is built on mutual respect for the sovereignty of both state and tribal governments;

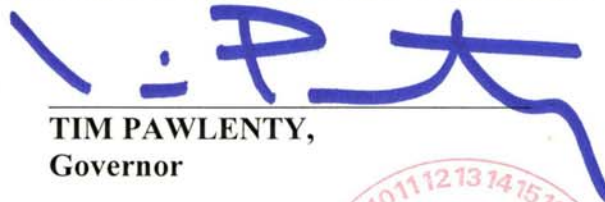
NOW, THEREFORE I hereby order that:

1. Agencies of the State of Minnesota and persons employed by state agencies (the "State") shall recognize the unique legal relationship between the State of Minnesota and Indian tribes, respect the fundamental principles that establish and maintain this relationship and accord tribal governments the same respect accorded to other governments.
2. When undertaking to formulate and implement policies or programs that directly affect Indian tribes and their members, the State and its agencies must recognize the unique government-to-government relationship between the State and Indian tribes and, whenever feasible, consult with the governments of the affected Indian tribe or tribes regarding a State action or proposed action that is anticipated to directly affect an Indian tribe.
3. In instances where the State assumes control over formerly federal programs that directly affect Indian tribes, state agencies shall consider the unique tribal needs and, to the extent feasible, endeavor to ensure that tribal interests are taken into account by the state agency administering the formerly federal program.
4. State agencies and persons employed by State agencies shall work cooperatively to accomplish the goals of this order and at all times act in a manner consistent with this order.

Nothing in this order shall require state agencies to violate or ignore any laws, rules, directives or other legal requirements or obligations imposed by state or federal law, or set forth in agreements or compacts between one or more Indian Tribes and the state or one or more of its agencies. If any provision in this order conflicts with any laws, rules or other legal requirement or obligation imposed by state or federal law, the state or federal law shall control. Nothing in this order prohibits or limits any state agency from asserting or pursuing any action, right or taking any position under state or federal law in relation to the interests of the State of Minnesota or any of its state agencies.

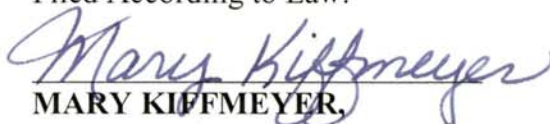
Pursuant to Minnesota Statutes 2002, section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 2000, section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this 9th day of April 2003.



TIM PAWLENTY,
Governor

Filed According to Law:



MARY KIFFMEYER,
Secretary of State

